

REMARKS

This Amendment Under 37 C.F.R. §1.115 is respectfully submitted in further response to the Final Rejection rendered August 18, 2003 and the Advisory Action rendered December 31, 2003. Applicants respectfully request entry of this Amendment in view of their filing a Request for Continued Examination, which is timely in view of the Notice of Appeal filed on November 18, 2003 to maintain pendency of this application. Applicants further request reconsideration of the rejections set forth in the Office Action in light of the ensuing remarks.

The claims have been amended as follows: claims 7, 17, 19, 20 and 22-24 have been amended to include the clause "and wherein said composition is in a form selected from the group consisting of emulsions, creams, lotions, gels, essences, milks, toners, hydroalcoholic solutions, multivesicular systems, suspensions, patches, masks and sticks". Basis for this amendment may be found in the Specification at page 5, l. 15-17. This amendment is being made in order to describe the embodiments of the compositions of this invention which relate to topical compositions, without prejudice to continuing to prosecute claims to compositions which relate to other embodiments of the invention.

The claims now reflect all previous amendments, as set forth in the Amendment of May 30, 2003 and referred to in the Advisory Action at page 2.

Claim 7 has been amended to include the phrase "a stabilizing effective amount of", referring to N-acetylcysteine. This amendment finds basis in the Specification at page 2, l. 27 through page 4, l. 3.

Claim 20 has been canceled in accordance with the suggestion of the Final Rejection [Final Rejection, p. 2] and replaced with new Claim 25.

Claim 22 has been amended to include the word "and" between "composition" and "N-acetylcysteine" in order to clarify the meaning of the claim in accordance with the suggestion at page 3 of the Final Rejection.

Applicants gratefully acknowledge the removal of previous rejections under 35 U.S.C. §112, second paragraph and under 35 U.S.C. §102(b) in view of Jiang et al. (J. Nutritional Biochemistry 9, 362-369 July 1998)).

The Final Rejection of August 18, 2003 set forth two rejections, as discussed below. Claims 7 and 17-24 were rejected under 35 U.S.C. §102(a). Applicants respectfully request reconsideration of these rejections with respect to the amended claims in light of the ensuing discussion. Applicants gratefully acknowledge the note that the rejection of claims 7, 17 and 18 under 35 U.S.C. §102(a) would be removed in view of the reply.

Claims 7 and 17-24 were rejected under 35 U.S.C. 102(a) as being anticipated by Jiang et al. (J. Nutritional Biochemistry 9, 362-369 (July 1998)). In response to applicants' discussion in their previous response, the Final Rejection states: "topical application is an intended use, which does not change the characteristics of the composition, thus the topical composition of the instant application is not different from the nutritional composition of the prior art." [Final Rejection, p. 4]. Applicants respectfully request reconsideration of this rejection with respect to the embodiments of the invention set forth in the amended claims and in light of the ensuing discussion.

Applicants have amended claims 7, 17, 19, 20, 22, 23 and 24 to describe embodiments of applicants' invention that are in the form of topical compositions. As stated earlier, Jiang et al. relates to a **dietary** supplement. Nowhere does Jiang et al. suggest or describe compositions that may be applied topically to the skin. In view of the foregoing, applicants respectfully request consideration of the claims as amended and reconsideration of the rejection under 35 U.S.C. §102(a) as to the embodiments described therein.

The Final Rejection of August 28, 2003 again rejected Claims 7 and 20 under 35 U.S.C. 102(a) as being anticipated by Fisher et al. (WO 98/55075). In response to applicants' discussion in their previous paper, the Final Rejection states that:

[Applicants'] argument is not persuasive because claims 7 and 20 do not recite the effective amount of N-acetylcysteine being used, and N-acetylcysteine in the composition would be expected to stabilize other oxygen-labile species because of the property of the compound. [Office Action, p. 5].


Applicants respectfully request reconsideration of the foregoing rejections with respect to the amended claims and in light of the ensuing discussion.

Applicants have amended claim 7 to indicate that the N-acetylcysteine should be present in the described embodiments in a "stabilizing effective

amount". Fisher et al. relates to compositions and methods for inhibiting photoaging of human skin. While Fisher et al. mentions retinoids, ascorbic acid and N-acetylcysteine as potential MMP inhibitors, nowhere does it propose the compositions of applicants' invention wherein there is an amount of N-acetylcysteine effective to stabilize the oxygen-labile species in the composition. Even in claims 10 and 14 of Fisher et al., these compounds are merely invoked as entities that can serve as MMP inhibitors for human skin. Thus, Fisher et al. does not suggest or describe the compositions set forth in applicants' claims as amended. Applicants therefore respectfully request reconsideration of the rejections under 35 U.S.C. 102(a).

Applicants respectfully request reconsideration of the rejections set forth in the Final Rejection of August 18, 2003 and the Advisory Action of December 31, 2003. Entry of this Amendment in view of the foregoing amendments and an early allowance are earnestly solicited.

Respectfully submitted,


Andrea L. Colby
Attorney for Applicants
Reg. No. 30,194

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2792
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